



PLANNING & ZONING REPORT

Zoning Board of Appeals Meeting of February 15, 2022

File # 002-20

APPLICANT: Jennifer Smith for Emmanuel Episcopal Church

LOCATION: 412 North Church Street

REQUESTED ACTION: A Variation to allow two (2) dumpsters in the front yard along North Court Street, a Variation to allow a dumpster enclosure six (6) feet in height in the front yard along North Court Street, and a Variation to allow a shed in the front yard along North Court Street in a C-1, Limited Office Zoning District.

DIMENSIONS: 172 feet by 330 feet **Acres:** 1.31 acres

ADJACENT ZONING AND LAND USES:

NORTH:	C-1	Haskell Park
EAST:	C-4	Rockford Woman's Club
SOUTH:	C-4	Second Congregational/First Presbyterian Church, Jeremiah Development Community Garden
WEST:	R-4	Multi-family residences, Meld Manor

YEAR 2020 PLAN: PE Existing (Quasi-) Public Facility

SOILS REPORT: No soils report on file.

HISTORY: There is no relevant history in the immediate area.

REVIEW COMMENTS: The Applicant is requesting a Variation to allow two (2) dumpsters in the front yard along North Court Street, a Variation to allow a dumpster enclosure 6 feet in height in the front yard along North Court Street, and a Variation to allow a shed in the front yard along North Court Street in a C-1, Limited Office Zoning District. Exhibit A shows that the subject property is located on the north side of Park Avenue, between North Court Street and North Church Street. The subject property is surrounded by commercial and some residential uses (Exhibit B & C).

The Applicant is requesting a Variation to accommodate two (2) dumpsters in the front yard along North Court Street. The purpose for the Variation is because the Zoning Ordinance states that all dumpsters "where feasible, all dumpsters and trash facilities must be located behind a building and setback so that refuse trucks are completely off the public right-of-way when servicing the facility". The Zoning Ordinance defines a front yard as "any yard adjoining a street shall be considered a front yard and shall meet the required setback for the respective district in which it is located".

Additionally, the Applicant is requesting a Variation for a dumpster enclosure six (6) feet in height in the front yard along North Court Street. The purpose for the Variation is because the Zoning Ordinance states "all dumpsters used

to service multi-unit residential buildings and commercial and industrial uses must be screened on all sides by materials that are consistent with the materials used in the principal structure or alternative materials approved by the Zoning Officer excluding wood fencing but including and not limited to finished masonry block, trex board, or steel deck with frame to create a permanent sight obstructing fence with a minimum height of 6 feet.”. Furthermore, the maximum allowed height for fencing in the front yard is 6 feet. The Zoning Ordinance defines a front yard as “any yard adjoining a street shall be considered a front yard and shall meet the required setback for the respective district in which it is located”.

Finally, the Applicant is requesting a Variation to allow a shed in the front yard along North Court Street. The purpose for the Variation is because the Zoning Ordinance states, “detached accessory structures must comply with the front yard requirements of the principal structure”. Furthermore, the Zoning Ordinance states, “accessory buildings used for storage (e.g., sheds and tool rooms) are allowed to encroach into the required Commercial Setbacks in the side and rear yards but not the front yard”.

Exhibit D is an aerial of the subject property submitted by the Applicant. Exhibit D shows the subject property consists of the Emmanuel Church, Resurrection Garden, Jubilee Center, parking lot, dumpsters, and shed. Additionally, the building entrances are shown as stars and the parking lot entrances are shown as green arrows (Exhibit D). Furthermore, the Applicant indicated on Exhibit D that the parking lot has 33 spots including one handicap stall, 24 on-street parking spaces two of which are handicap, and the enclosure will be constructed of red cedar dog eared picket privacy fence with steel posts.

Exhibit E is a detailed site layout aerial of the dumpsters and shed submitted by the Applicant. Exhibit E shows the existing dumpsters and shed are located in the northwest corner of the parking lot. The dumpster enclosure will be approximately 17 feet by 16 feet with the southwest corner of the dumpster enclosure having a setback of 6 feet from the sidewalk and the northwest corner having a setback of 11.5 feet from the sidewalk (Exhibit E). Additionally, the existing 10.25 feet by 10.25 feet shed will have a setback of 14 feet to the sidewalk from the southwest corner of the shed, a 6.25 feet setback to the north property line from the northwest corner of the shed, and a 9.17 feet setback to the north property from the northeast corner of the shed.

Exhibit F are pictures of the existing dumpsters and shed from several viewpoints on the subject property as well as from the street that were submitted by the Applicant.

Exhibit G is a Hardship Narrative submitted by the Applicant. Illinois State Law requires that in order for a Variation to be granted hardship must be proven by positive Finding of Fact. The Applicant states, “Emmanuel Episcopal Church (EEC), is applying for a variation to allow two (2) dumpsters, a dumpster enclosure constructed of wood, and a shed in a C1 zoning district” (Exhibit G). The Applicant explains “the property in question is unique in that it is bordered on three sides by streets, as such is considered to have three front yards and the property contains two buildings of good size and extensive established garden/landscape space” (Exhibit G). The Applicant states “the parking lot is small for a property of this size and the available space is carefully apportioned to allow 33 parking stalls (including one handicapped

stall) as well as fully landscaped buffers from Park and Court streets” (Exhibit G). Furthermore, the Applicant explains, “the shed provides storage for implements used to maintain the church property that cannot be stored in the church, such as a lawn mower and snow blower, the two dumpsters, one for landfill waste and one for materials to be recycled” (Exhibit G).

Additionally, the Applicant explains, “the dumpsters are utilized daily by staff of the Jubilee Center, a drop-in center for adults with mental illnesses and disabilities, many who are unhoused or have unstable housing and the Jubilee Center building is owned and maintained by EEC and its programs run by Shelter Care Ministries” (Exhibit G). The Applicant states, “the location of the dumpsters is ideal because it is at the furthest point from the main church entrance, is easily accessed by the Jubilee Center staff, but is not so close to the Jubilee Center entrance as to pose a hazard or unpleasant sights and smells for the Center guests and the location is immediately next to the Court Street parking lot entrance, which provides ease of access by garbage trucks” (Exhibit G). The Applicant explains, “EEC recognizes that the existing shed and dumpsters are not in compliance with City ordinances and seek to bring these items into compliance and the use of wood for our enclosure would allow us to stain or paint the fence to match the existing shed as EEC takes great pride in the appearance of the church property and believes this would provide an attractive enclosure that would not seem out of place on our park-like property” (Exhibit G). Furthermore, the Applicant states, “as a member of the Vestry (church board) and of the Emmanuel Episcopal Church parish I respectfully request your approval of these variation requests and upon your approval and subsequent approval by City Council we will immediately submit all required permits and fees and confirm our place on Dach's project list so the construction can begin as soon as the weather breaks” (Exhibit G).

Exhibit H is a letter of support from Sarah Parker-Scanlon, Executive Director of Shelter Care Ministries. Ms. Parker-Scanlon explains, “I am writing in regards to the dumpster(s) located at 412 N. Church Street/413 N. Court Street, Rockford, IL 61103, which Shelter Care Ministries operates a program called the Jubilee Center located at 413 N. Court Street, Monday — Friday each week and uses the dumpsters on a daily basis” (Exhibit H). Additionally, Ms. Parker-Scanlon explains, “the waste and recycling dumpsters are used to dispose of waste from providing meals and snacks to 50-70 Jubilee members each day and in addition, office related such as paperwork (that does not need to be shredded), and cardboard boxes are recycled on a regular basis” (Exhibit H). Furthermore, Ms. Parker-Scanlon states, “Shelter Care staff and volunteers need easy access to the dumpsters and would like to lend our support and request for a zoning variation” (Exhibit H).

Exhibit I show there have been three (3) calls for service in the last 24 months for 412 North Church Street.

The existing property is a corner lot and would normally not need Variations for the dumpsters and shed, except for the fact that the lot has three (3) street frontages. The third street frontage makes it difficult for the property as opposed to a normal corner lot with only two front yards. The dumpsters and shed would otherwise conform to the intent of the Zoning Ordinance.

Staff feels that the Applicant's proposed requests are reasonable based on the existing limitations of the subject property and recommends approval of the requests subject to the conditions.

RECOMMENDATION: Staff recommends **APPROVAL** of a Variation to allow two (2) dumpsters in the front yard along North Court Street, **APPROVAL** of a Variation to allow a dumpster enclosure 6 feet in height in the front yard along North Court Street, and **APPROVAL** of a Variation to allow a shed in the front yard along North Court Street in a C-1, Limited Office Zoning District, based on the following conditions:

1. Meeting all Building and Fire Codes.
2. Submittal of Dumpster Enclosure Permit and dumpster detail for Staff review and approval.
3. The site, dumpster enclosures, and shed must be in compliance with the approved Exhibits D and E.

SC: DM 02/07/2022

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO ALLOW TWO (2) DUMPSTERS IN THE FRONT YARD
ALONG NORTH COURT STREET
IN A C-1, LIMITED OFFICE ZONING DISTRICT
LOCATED AT 412 NORTH CHURCH STREET**

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is based are unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO ALLOW A DUMPSTER ENCLOSURE SIX (6) FEET IN HEIGHT
IN THE FRONT YARD ALONG NORTH COURT STREET
IN A C-1, LIMITED OFFICE ZONING DISTRICT
LOCATED AT 412 NORTH CHURCH STREET**

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is based are unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO ALLOW A SHED IN THE FRONT YARD ALONG NORTH COURT STREET
IN A C-1, LIMITED OFFICE ZONING DISTRICT
LOCATED AT 412 NORTH CHURCH STREET

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is based are unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

Exhibit A
412 North Church Street
VAR
#002-22

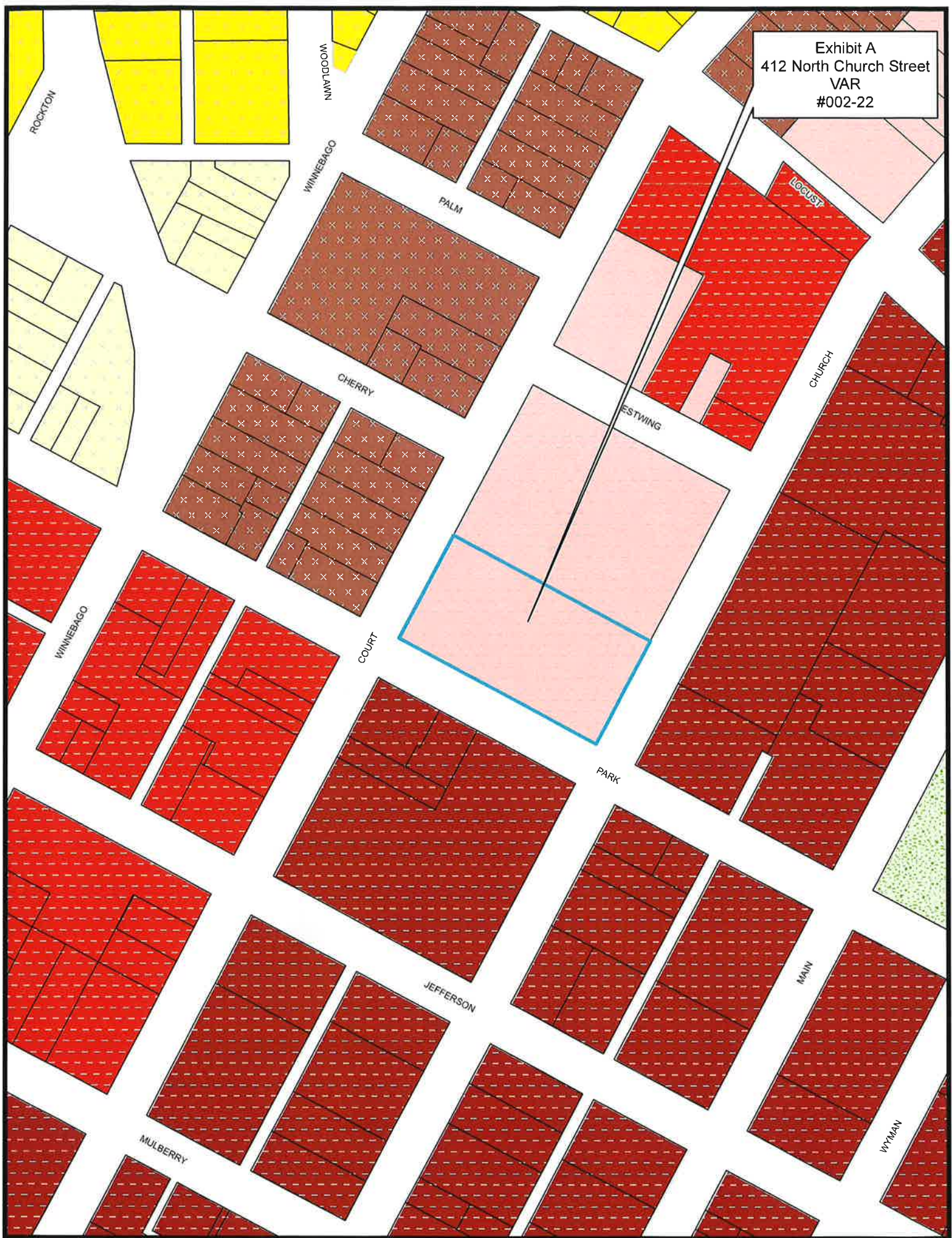


Exhibit B
412 North Church Street
VAR
#002-22

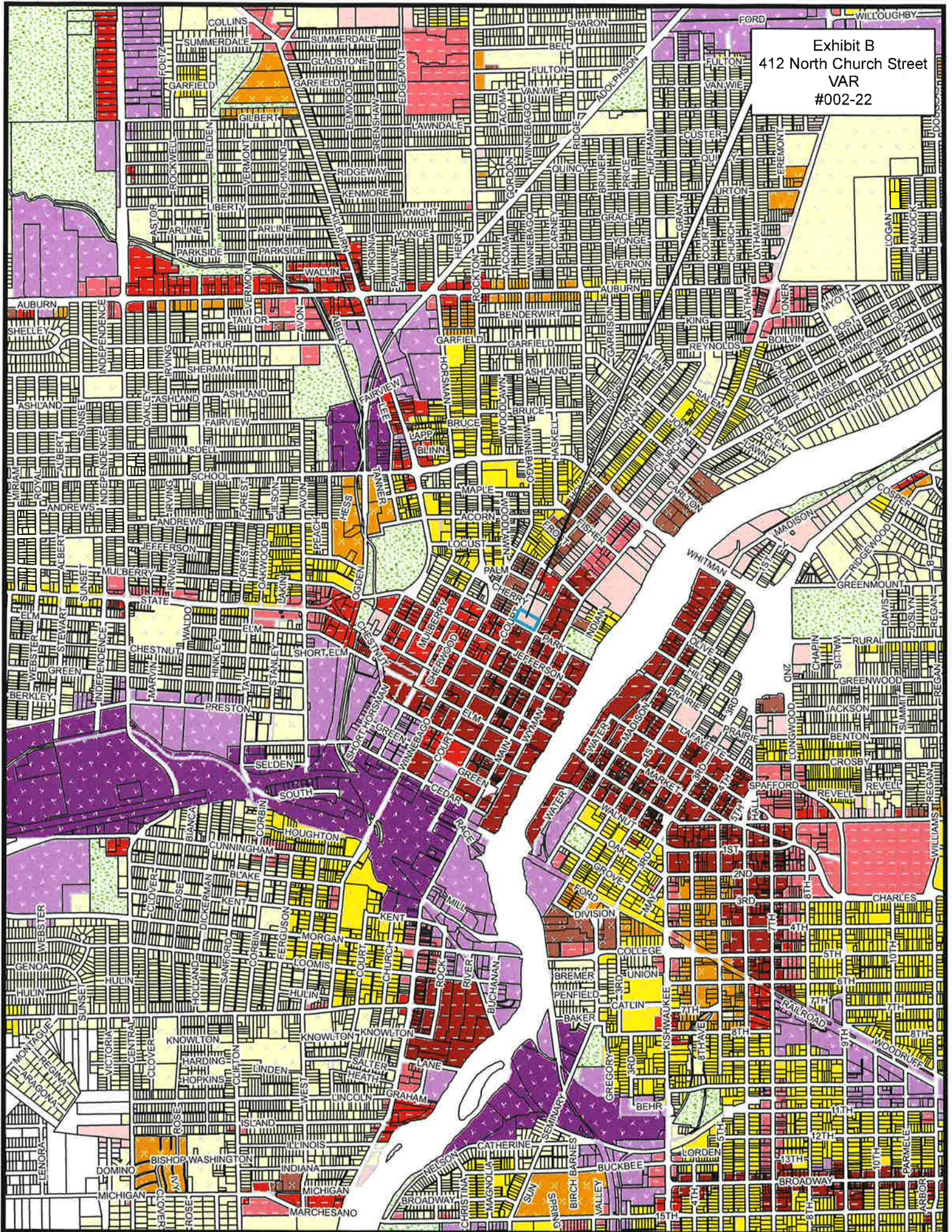
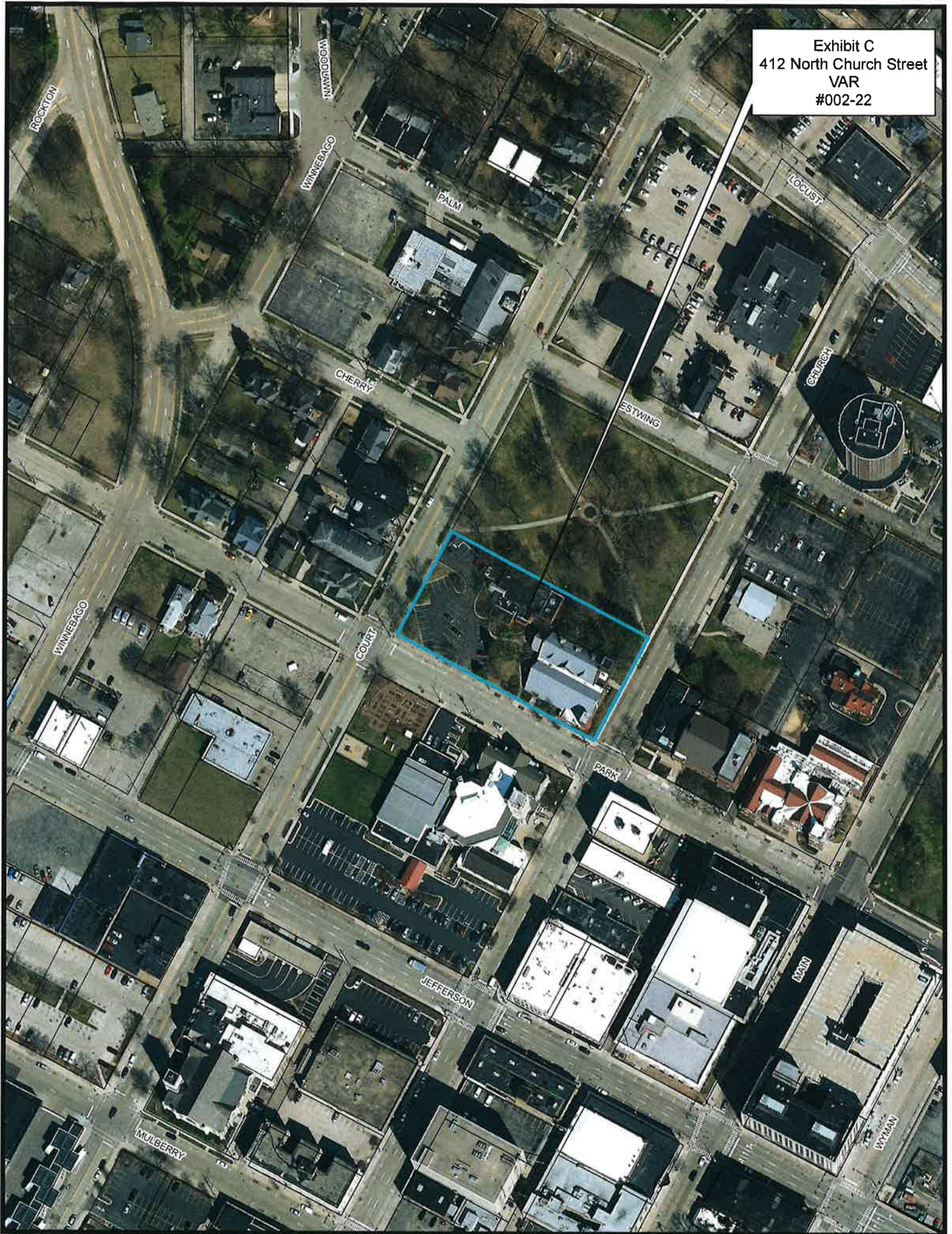


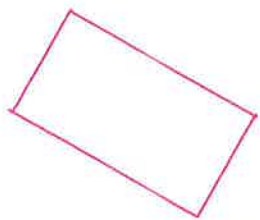
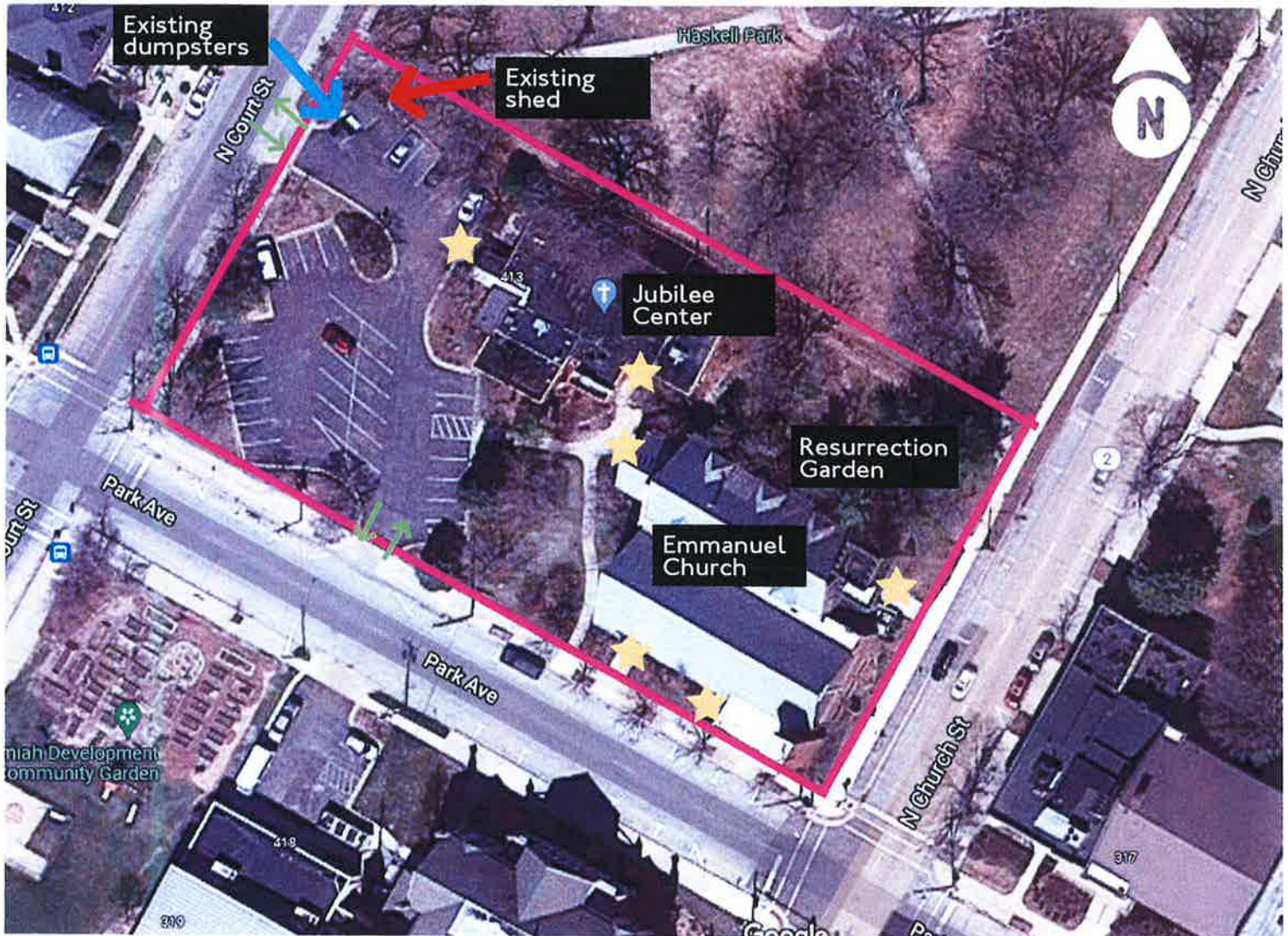
Exhibit C
412 North Church Street
VAR
#002-22



Emmanuel Episcopal Church Zoning Board of Appeals Variation Application

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Exhibit D
412 North Church Street
VAR
#002-22



= Property boundary



= building entrance



= parking lot entrance

** Parking lot has 33 spots including one handicapped stall. There are approximately 24 on-street parking spaces, two of which are handicapped, and those on Park and Court Streets are eligible for residential permit parkers**

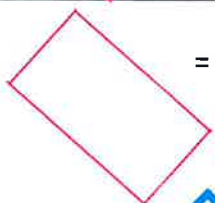
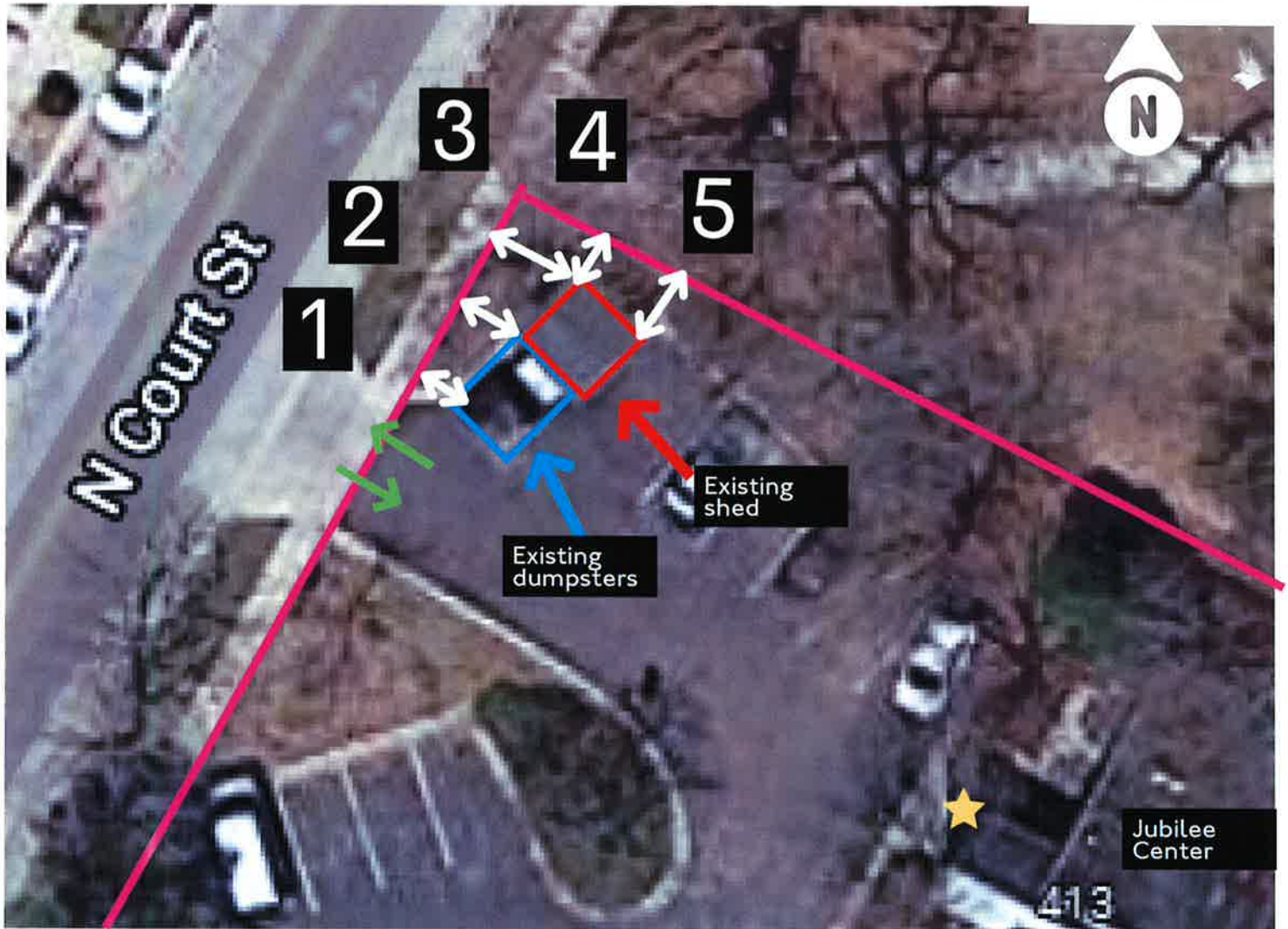
Enclosure to be constructed of red cedar dog eared picket with steel posts.
Picture for example purposes only.



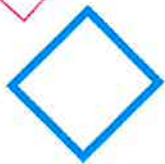
Emmanuel Episcopal Church
Zoning Board of Appeals Variation Application

SITE LAYO

Exhibit E
412 North Church Street
VAR
#002-22



= Property boundary



= proposed dumpster enclosure (irregular trapezoid, approx 17' x 16')



= building entrance



= parking lot entrance



= existing shed (10'3"x10'3")

1

SW corner of dumpster enclosure to sidewalk = 6'

2

SW corner of shed to sidewalk = 11' 6"

3

NW corner of shed to sidewalk = 14'

4

NW corner of shed to fence/property line = 6' 3"

5

NE corner of shed to fence/property line = 9' 2"

Exhibit F
412 North Church Street
VAR
#002-22





Exhibit F cont'd
412 North Church Street
VAR
#002-22



Exhibit F cont'd
412 North Church Street
VAR
#002-22



Exhibit F cont'd
412 North Church Street
VAR
#002-22



January 1, 2022

To Whom it May Concern:

Emmanuel Episcopal Church (EEC), located at 412 N Church Street, Rockford, 61103, is applying for a variation to allow two (2) dumpsters, a dumpster enclosure constructed of wood, and a shed in a C1 zoning district. The property in question is unique in that it is bordered on three sides by streets and as such is considered to have three front yards. A dumpster, dumpster enclosure, and shed are not permitted in a front yard, and as such Emmanuel must receive a variation in order to bring the existing two (2) dumpsters and shed into compliance and to receive a permit to enclose the dumpsters.

In addition to the complication of having three front yards, the property contains two buildings of good size and extensive established garden/landscape space. The parking lot, as can be viewed in the aerial site plan included in this application, is small for a property of this size. The available space is carefully apportioned to allow 33 parking stalls (including one handicapped stall) as well as fully landscaped buffers from Park and Court streets.

A small shed is located on the northwest corner of the property. The shed provides storage for implements used to maintain the church property that cannot be stored in the church, such as a lawn mower and snow blower. Next to the shed are two dumpsters, one for landfill waste and one for materials to be recycled. In addition to being utilized by the church, the dumpsters are utilized daily by staff of the Jubilee Center, a drop-in center for adults with mental illnesses and disabilities, many who are unhoused or have unstable housing. The Jubilee Center building is owned and maintained by EEC and its programs run by Shelter Care Ministries. You will find a letter of support from Sarah Parker-Scanlon, Executive Director of Shelter Care Ministries, in this application.

The location of the dumpsters is ideal because it is at the furthest point from the main church entrance, is easily accessed by the Jubilee Center staff, but is not so close to the Jubilee Center entrance as to pose a hazard or unpleasant sights and smells for the Center guests. This location is also immediately next to the Court Street parking lot entrance which provides ease of access by garbage trucks.

EEC recognizes that the existing shed and dumpsters are not in compliance with City ordinances and seek to bring these items into compliance. We have secured a proposal from Dach Fence Company (included with this application) to enclose the dumpsters with a red cedar fence/gate. While wood is not typically permitted for a dumpster enclosure, we ask for a variation to use wood for our enclosure as this would allow us to stain or paint the fence to match the existing shed. EEC takes great pride in the appearance of the church property and believes this would provide an attractive enclosure that would not seem out of place on our park-like property.

412 North Church Street, Rockford, Illinois 61103 • P: 815-964-5514 • F: 815-964-9812

www.emmanuelrockford.org

As a member of the Vestry (church board) and of the Emmanuel Episcopal Church parish I respectfully request your approval of these variation requests. Upon your approval and subsequent approval by City Council we will immediately submit all required permits and fees and confirm our place on Dach's project list so the construction can begin as soon as the weather breaks. On behalf of the members of Emmanuel Episcopal Church I thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer S.", written in black ink.

Jennifer Smith

Emmanuel Episcopal Church Parishioner and Vestry Member

SHELTERCARE

BOARD OF DIRECTORS

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Executive Director

Sarah Parker-Scanlon

January 11, 2022

City of Rockford Zoning Board

City Hall

425 E. State St.

Rockford, IL 61104

To Whom it May Concern:

I am writing in regards to the dumpster(s) located at 412 N. Church Street/413 N. Court Street, Rockford, IL 61103. Shelter Care Ministries operates a program called the Jubilee Center located at 413 N. Court Street, Monday – Friday each week and uses the dumpsters on a daily basis.

The waste and recycling dumpsters are used to dispose of waste from providing meals and snacks to 50-70 Jubilee members each day. In addition, office related waste such as paperwork (that does not need to be shredded), and cardboard boxes are recycled on a regular basis.

Shelter Care staff and volunteers need easy access to the dumpsters and would like to lend our support and request for a zoning variation.

Please let me know if I can provide any information that would help you make a decision that would be favorable to Emmanuel Episcopal Church and Shelter Care Ministries.

Sincerely,



Sarah Parker-Scanlon

Executive Director



EPISCOPAL
CHARITIES

City of Rockford Police Department
Calls for Service For
1/25/2020 to 8/15/2020

Please note that calls are subject to change as Calls for Service are submitted. Offenses represent the initial call: not the verified offense.

CFS Number	CFSDDate	Time	Reported Offense (Non-Verified)	Location
20-015652	02/10/2020	15:17	7964 911 HANG UP	412 N CHURCH ST
20-029222	03/16/2020	16:19	7332 Suspicious person	412 N CHURCH ST
20-046530	05/07/2020	12:13	7977 Central Reporting Unit - DPR	412 N CHURCH ST

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Please note that the Call for Service is specified for a property. Location is not specific to any person, place, or event. Call for service location is tied to the location to where the call was received.